

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY J. BRACCIA et al.,

Plaintiffs,

-v-

No. 08 Civ. 8927 (LTS)(KNF)

D'BLOSS CORP.,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

On October 17, 2008, Plaintiffs filed this personal injury action. On April 23, 2010, the Court granted Plaintiffs' motion for default judgment and referred this case Magistrate Judge Kevin Nathaniel Fox for inquest into appropriate damages. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1332.

On September 7, 2010, Judge Fox issued a Report and Recommendation ("Report"), recommending that, because Plaintiffs have not established, by sufficient admissible evidence, that an award of damages is warranted, that no award of damages be made to Plaintiffs. Neither party has made any objection to the Report, and the time to do so has elapsed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(c) (West 2008). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wynn v. Lempke, No. 08 Civ. 3894 (RJS),



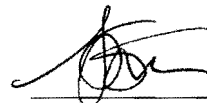
2009 WL 1227362, at *2 (S.D.N.Y. May 5, 2009).

The Court has reviewed thoroughly Judge Fox's Report and finds no clear error in his recommendation. Accordingly, the Court adopts the Report in its entirety.

The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
July 18, 2011



LAURA TAYLOR SWAIN
United States District Judge